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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,244	12/31/2003	Min-Seok Choi	P24738	6998
7055 7590 02/13/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER STORMER, RUSSELL D				
ART UNIT 3617		PAPER NUMBER		
NOTIFICATION DATE 02/13/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

# Office Action Summary

**Application No.**

10/748,244

**Applicant(s)**

CHOI, MIN-SEOK

**Examiner**

Russell D. Stormer

**Art Unit**

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,7,8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-5, 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tronville in view of MacIsaac and Holbrook.

Tronville (previously applied) discloses a torsion beam axle suspension comprising left and right trailing arms 14, a torsion beam 12 coupled between the trailing arms, a wheel connector 50 provided on each trailing arm, and a shock absorber mount provided in the outermost end 14a of the trailing arms. As shown best in figures 2 and 4, the shock absorber 54 is mounted to the support or mount 52 inside of the outermost end 14a of the trailing arms, and rearward of the wheel connector 50.

The shock absorber is Tronville is not shown.

MacIsaac (previously applied) teaches a suspension assembly including a shock absorber. In figures 10 and 11 the connection between the axle and the shock absorber is in the form of a ball joint 250, including a ball stud and a socket.

Holbrook (newly cited) teaches a ball joint comprising a ball and socket joint which allows a great range of movement for a rod 10, 200, or 100. The joint comprises a ball 40, 240 mounted in a generally cylindrical socket 300. A pair of insertion holes 318, 378 allow fasteners 350 to be inserted therein and are configured to adjust a position of the rod 10, 200, or 100. The fasteners are aligned inasmuch as they are parallel, and are considered to be on opposing surfaces as they are situated on opposite sides of the ball 40 once assembled.

From the teachings of MacIsaac and Holbrook it would have been obvious to provide the trailing arm suspension of Tronville with a shock absorber having a ball and socket joint as this would allow a wide range of movement (such as movement in more than one plane) between the shock absorber and the axle. Further, it would have been obvious that the ball and socket joint applied to the shock absorber assembly of Tronville could have a construction including a pair of fasteners inserted into insertion holes on opposing surfaces of the socket to allow a position of the shock absorber to be adjusted. Those of ordinary skill in the art would have found it obvious and desirable for the ball and socket joint to be constructed in a way that would allow the adjustment of a position of the shock absorber.

### ***Response to Arguments***

Applicant's arguments filed November 21, 2007 have been fully considered but they are not persuasive.

The arguments concerning the fasteners of Holbrook are noted, but the fasteners 350 are parallel and therefore aligned.

With respect to the argument that the references are not properly combined because of impermissible hindsight, it should be noted that the modifications are well within the level of ordinary skill in the art, and the results of the changes would be predictable.

With respect to the "impermissible modification of a modification" alleged by Applicant, the Examiner again dismisses this argument and requests that Applicant

provide some guidance from the MPEP or basis in patent law to prove that such a modification is actually not permitted.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Russell D. Stormer/  
Primary Examiner, Art Unit 3617